Amendments to the Specification:

Please replace the paragraph beginning at page 11, line 27, with the following:

--**FIGS. 10(A-B).** Conserved *cis* Regulatory Elements in the SM α-actin 5' (FIG. 10A) and First Intron (FIG. 10B) Promoter Regions. Several important protein binding regions that have significant homology to known cis regulatory elements that bind AP1 and the GATA family of transcription factors were identified by DNase footprinting. This Figure also shows the mutated sequences for AP1-like (SEQ ID NO:28), GATA and CARGs A (SEQ ID NO:25), B (SEQ ID NO:22) and the intronic CARG (SEQ ID NO:30) which were prepared. The Figure further shows the homology that exists for the above sequences in humans (CArG B = SEQ ID NO:15; CArG A = SEQ ID NO:14; AP1-like = SEQ ID NO:19; Int CARG = SEQ ID NO:16; GATA = SEQ ID NO:20), rats (CArG B = SEQ ID NO:15; CArG A = SEQ ID NO:14; AP1-like = SEQ ID NO:26; Int CARG = SEQ ID NO:16; GATA = SEQ ID NO:31), mice (CArG B = SEQ ID NO:15; CArG A = SEQ ID NO:23; AP1-like = SEQ ID NO:26; Int CARG = SEQ ID NO:16; GATA = SEQ ID NO:31) and chickens (CArG B = SEQ ID NO:21; CArG A = SEQ ID NO:24; AP1-like = SEQ ID NO:27; Int CARG = SEQ ID NO:29; GATA = SEQ ID NO:32).--

Please replace the paragraph beginning at page 12, line 10, with the following:

--~~**FIGS. 12(A-C).**~~ **FIGS. 12(A-D).** Alignment of Human (SEQ ID NO:3), Rat (SEQ ID NO:4), Mouse (SEQ ID NO:5) and Chicken (SEQ ID NO:6) 5' Promoter Region from about -1,100 base pairs to the Start of Transcription. CARGs A and B are marked and boxed.--

Please replace the paragraph beginning at page 12, line 14, with the following:

--~~FIGS. 13(A-G).~~ **FIGS. 13(A-J).** Alignment of Human (SEQ ID NO:7), Rat (SEQ ID NO:8), Mouse (SEQ ID NO:9) and Chicken (SEQ ID NO:10) First Intron Sequence from about +47 through about +2775. The intronic CARG is marked and boxed.--

Please insert the accompanying paper copy of the Substitute Sequence Listing, page numbers 1 to 14, at the end of the application.